



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 10
1200 Sixth Avenue
Seattle, Washington 98101

AKD 0701
7-20-07
le

Reply To
Attn of: OCE-127

JUL 20 2007

MEMORANDUM

SUBJECT: Flint Hills Resources,
June 27, 2006 RCRA CEI Inspection
EPA ID number: AKD 00085 0701

FROM: Cheryl Williams, EPS

Cheryl Williams

TO: Jeff KenKnight, Manager
ARCU

Attached is a letter addressed to Flint Hills Resources (Flint Hills). An inspection was performed on June 27, 2006, and the inspector informed the company of potential violations during an inspection debrief. In a letter dated December 13, 2006, Flint Hills responded to the verbal findings of the inspection. On March 22, 2007, the inspection report and the response from Flint Hills were assigned to me for follow-up. Specifically, I was asked to document the violations in a NOV and concurrently stated that all violations have been resolved.

Based on a review of the evidence in the report and the response from Flint Hills, I do not believe that all of the potential violations discussed during debrief were violations. Further, many of the potential violations do not have adequate evidence to support documenting a violation.

At this time I am recommending that we do not issue an NOV addressing the violations. Rather, I suggest we send Flint Hill a letter stating that based on the information provided we believe that the violations found during the inspection have been corrected. I believe that RCRAInfo can be coded to accurately represent violations that have returned to compliance without any sort of enforcement action by EPA.

cc: Barb McCullough

FILE COPY